

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANTA MAN MONGAR,

Defendant.

8:20CR292

ORDER

This matter is before the Court on defendant Santa Man Mongar's ("Mongar") *pro se* Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A) (Filing No. 37). Section 3582(c)(1)(A) authorizes Mongar to move the Court to "reduce [his] term of imprisonment" for "extraordinary and compelling reasons" thirty days after the warden of the facility where he is incarcerated receives a request to file such a motion on his behalf.

Mongar is currently incarcerated at the Federal Correctional Institution at Fort Dix in New Jersey ("FCI Fort Dix"). Attaching a copy of a "Compassionate Release/Reduction in Sentence" request he reportedly submitted to the warden at FCI Fort Dix on September 6, 2023, Mongar states he "has exhausted his administrative remedies and jurisdiction now lies with" this Court because "neither the warden, nor the director of the [Bureau of Prisons] has filed a motion for compassionate release on [his] behalf."

Having completed an initial review of Mongar's motion and supporting materials, the Court finds he has potentially raised a colorable claim for sentencing relief under § 3582(c)(1)(A)(i). The Court further finds that appointing counsel will aid the Court in determining whether Mongar's "myriad serious health conditions" warrant a sentence reduction.

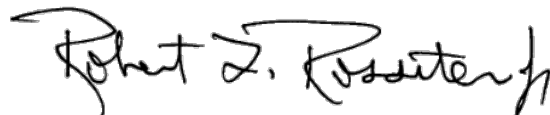
Based on the foregoing,

IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Mongar for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce his term of imprisonment.
2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review the Federal Public Defender should conclude that Mongar's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
4. The U.S. Probation and Pretrial Services Office is directed to investigate Mongar's compassionate-release request and promptly file under seal a report on that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. Mongar's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Mongar's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Mongar's request for sentencing relief and provide any evidence necessary to the Court's disposition of his motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 3rd day of November 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge